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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR-09-0873 DLJ
	)	
Plaintiff,	)	<b>STIPULATION AND ORDER</b>
	)	<b>CONTINUING STATUS HEARING</b>
v.	)	
	)	Hearing Date: April 30, 2010
THOMAS BRIAN TRUONG,	)	Requested Date: May 7, 2010
	)	
Defendant.	)	
_____	)	

The above-captioned matter is set on April 30, 2010 before this Court for a status hearing. The parties jointly request that this Court continue the matter to May 7, 2010 at 9:00 a.m. and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between April 30, 2010 and May 7, 2010.

The defense has been reviewing the discovery provided thus far, including the results of a search of a computer seized in a search warrant. The parties are engaged in ongoing discussions about a possible disposition. Defense counsel needs additional time to research the applicability of certain guidelines enhancements and to discuss the case with the defendant.

The requested continuance will allow the defense to further its investigation of the underlying facts of the case and to review necessary records. The failure to grant such a continuance would unreasonably deny counsel for the defendant the reasonable time necessary

1 for effective preparation, taking into account the exercise of due diligence.

2 The parties further stipulate and agree that the time from April 30, 2010 to May 7, 2010,  
3 should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§  
4 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel.

5  
6 April 27, 2010

\_\_\_\_\_/s/\_\_\_\_\_  
NED SMOCK  
Assistant Federal Public Defender

8  
9 April 27, 2010

\_\_\_\_\_/s/\_\_\_\_\_  
DEBORAH DOUGLAS  
Assistant United States Attorney

**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby finds that the ends of justice served by the continuance requested herein outweigh the best interest of the public and the defendant in a speedy trial because the failure to grant the continuance would deny the counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court makes this finding because additional investigation and the review of records are necessary to the defense preparation of the case.

Based on these findings, IT IS HEREBY ORDERED THAT the STATUS hearing date of April 30, 2010 is continued to May 7, 2010 at 9:00 a.m. and that time be excluded from April 30, 2010 to May 7, 2010 pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

April 29, 2010  
Date

  
HON. D. LOWELL JENSEN  
United States District Judge